

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:07-CV-431-DCK**

**THOMAS GIBLIN, III, THOMAS GIBLIN, IV,)
and REBECCA GIBLIN, Individually and as)
Personal Representative of the ESTATE OF)
RACHEL REYNOLDS GIBLIN,)**

Plaintiffs,

v.

**NATIONAL MULTIPLE SCLEROSIS)
SOCIETY, INC.,)**

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion To Compel Responses To Interrogatories And Requests For Production And Request For Case Management Conference” (Document No. 27), filed April 23, 2008; “Defendant’s Response To Plaintiffs’ Motion To Compel Responses To Interrogatories And Requests For Production, And Request For Case Management Conference” (Document No. 28), filed May 7, 2008; and “Defendant’s Supplemental Response To Plaintiffs’ Motion...” (Document No. 29), filed July 3, 2008. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is ripe for review.

The Court notes that Plaintiffs are in technical violation of the Local Rules which provide in pertinent part:

A reply to the response to a motion, if any, shall be filed within seven (7) days of the date on which the response is served, as evidenced by the certificate of service attached to said response. The filing of a reply brief is not mandatory. In any event, a reply brief should be limited to a discussion of matters newly raised in the response. **If the party making the motion does not wish to file a reply brief, it must so inform the Court and opposing counsel promptly in an**


electronically filed notice.

Local Rule 7.1(E) (emphasis added).

The Court, to date, has not received notice that Plaintiffs do not wish to file a reply brief, although Court staff did receive notice that Plaintiffs no longer request a case management conference. In view of the Defendant's responses (Document Nos. 28-29), and their representations that "Defendant believes and asserts that its discovery obligations are now complete" – the undersigned finds that the Court would benefit from a reply brief *specifically* identifying the remaining discovery Plaintiffs seek to have compelled, or in the alternative, a motion to withdraw the motion to compel. It is the undersigned's hope that the parties have been able to resolve their discovery disputes without the necessity of the Court's intervention; however, if that is not the case, the undersigned will promptly issue a ruling on the motion to compel after the receipt of Plaintiffs' reply brief.

IT IS, THEREFORE, ORDERED that Plaintiffs shall file a reply brief in further support of their "...Motion To Compel Responses To Interrogatories And Requests For Production And Request For Case Management Conference" (Document No. 27), on or before **August 22, 2008**.

Signed: August 15, 2008



David C. Keesler
United States Magistrate Judge

